

RULE 11: Filing by Facsimile; Electronically Produced Traffic Tickets

(A) Applicability

Pleadings and other papers may be filed with the Clerk's Office by facsimile transmission subject to the provisions of this rule. Only fax filings transmitted directly through the facsimile equipment operated by the clerk's office at 513-946-9450 will be deemed filed with Hamilton County Juvenile Court. This rule applies to cases involving all areas of the court's jurisdiction, with the exception of cases filed pursuant R.C. 2151.85 regarding a minor's complaint for an abortion. In such cases, no document shall be filed by facsimile transmission.

The following documents will not be accepted for fax filing: a petition for writ of habeas corpus; an ex parte motion for emergency custody in a custody, visitation, dependency, neglect, or abuse case.

The use and filing of a traffic ticket that is produced by computer or other electronic means is authorized in the Hamilton County Juvenile Court. Such ticket shall conform in all substantive respects, including layout and content, to the "Ohio Uniform Traffic Ticket," except that standards for the color and weight of paper and method of binding shall not apply. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the juvenile with a paper copy of the ticket as required by the Ohio Traffic Rules. The issuing officer shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to the Ohio Traffic Rules.

(B) Original Filing

A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the court. The source document with original signatures as otherwise required under applicable rules and the source copy of the facsimile cover sheet must be maintained in the person's records and be available for production on request by the court. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post-judgment relief are exhausted.

(C) Definitions

As used in these rules, unless the context requires otherwise:

1. A "facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.
2. A "facsimile machine" means a machine that can send and receive a facsimile transmission.
3. "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
4. "Clerk's office" refers to the Clerk's Office of the Hamilton County Juvenile Court.

(D) Cover Page

The person filing a document by fax shall also provide therewith a cover page containing the following information:

1. Name of the court;
2. Title of the case;
3. Case number;

4. Assigned judge or magistrate;
5. Title of the document being filed (e.g. Complaint for Custody, Motion to Modify Support)
6. Date of transmission;
7. Transmitting fax number;
8. Indication of the number of pages in the transmission, including the cover page;
9. If a judge or case number has not been assigned, state that fact on the cover page;
10. Name, address, telephone number, fax number, Supreme Court registration number, if applicable, and e-mail address of the person filing the fax document if available; and if applicable, a statement explaining how costs are being submitted.

If a document is sent by fax to the Clerk's Office without the cover page information listed above, the clerk will deposit the document in a file of failed faxed documents with a notation of the reason for the failure. The document *shall not* be considered filed with the court. Although not required, but if practicable, the Clerk's Office may send to the sending party a notice of failed fax filing.

(E) Signature

A party who wishes to file a signed source document by fax shall either fax a copy of the signed source document, or fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document. A party who files a signed document by fax represents that the physically signed source document is in the possession or control of the person filing the fax.

Any signature on an electronically transmitted document shall be considered that of the attorney, party, or person it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the filing stricken.

(F) Exhibits

Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit shall be filed with the court, as a separate document, not later than five court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.

Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the court, title of the case, the case number, name of the judge or magistrate and the title of the exhibit being filed. (E.g., Mother's Notice of Filing Exhibit G.) The exhibit and cover sheet shall be signed and served in conformance with the rules governing the signing and service of pleadings.

(G) Time of Filing

Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk's Office shall be considered filed as of the date and time the fax transmission was received by the Clerk's Office. The Clerk's Office will be deemed open to receive facsimile transmission of documents on the basis of 24 hours per day seven days per week including holidays. Each page

of any document received by the Clerk's Office will be automatically imprinted with the date and time of receipt. The date and time imprinted on the document will determine the time of filing, provided the document is deemed accepted by the Clerk's Office.

The risks of transmitting a document by fax to the Clerk's Office shall be borne entirely by the sending party. The Clerk's Office may, but need not, acknowledge receipt of a facsimile transmission. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk's Office through whatever technological means are available.

(H) Fees and Costs

No document filed by facsimile that requires a filing fee shall be accepted by the Clerk's Office for filing until court costs and fees have been paid. Court costs and fees may be paid by credit card. Documents tendered to the Clerk's Office without payment of court costs and fees, or which do not conform to applicable rules will not be filed. Information furnished for authorization of payment by credit card shall not be part of the case file. No additional fee shall be assessed for facsimile filings.

(I) Length of Document

Facsimile filings shall not exceed 15 pages in length. The filer shall not transmit service copies by facsimile, except that the filer shall transmit at least one service copy if the filer requests the clerk to send service.

(J) Effective Date

This rule shall govern all proceedings in actions brought after it takes effect, and also in further proceedings in pending actions, except to the extent that, in the opinion of the court, the application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

(Amended, eff. 1-1-09)